

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,) CRIMINAL NO. **CR01-1428**
)
) ~~COUNTS I, II, V, VI, VII, IX, X, XII, XIII, XIV,~~
Plaintiff,) XV, XVI and XVII: 16 U.S.C. §§ 703 and 707(b);
) Migratory Bird Treaty Act .
vs.) COUNT III: 16 U.S.C. §608(a); Bald and Golden
) Eagle Protection Act (Singer's Brush- 18 Golden
JOSHUA BAER,) Eagle Feathers).
)
Defendant.) COUNTS IV, VIII and XI: 18 U.S.C. § 1170;
) Native American Graves Protection and
) Repatriation Act).

INDICTMENT

The Grand Jury charges:

COUNT I

On or about the 18th day of January, 2000, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did knowingly and unlawfully, without permission, offer to sell a Santo Domingo corn goddess which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*).

In violation of 16 U.S.C. § 703, and 16 U.S.C. § 707(b)(2).

COUNT II

From on or about October 29, 1999, to January 19, 2000, in Santa Fe, in Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did knowingly and unlawfully, without permission, offer to sell a Cheyenne headdress which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*).

In violation of 16 U.S.C. § 703, and 16 U.S.C. § 707(b)(2).

COUNT III

From on or about August 14, 1999, to on or about September 2, 1999, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did knowingly and unlawfully, ~~possess, sell and offer to sell~~ without permission and transport a Navajo singer's brush which included the feathers of birds protected by the Bald and Golden Eagle Protection Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*).

In violation of 16 U.S.C. § 668.

COUNT IV

From on or about August 14, 1999, to on or about September 2, 1999, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did knowingly sell, purchase, use for profit, and transport for sale and profit a Native American cultural item, sacred item, and cultural patrimony obtained in violation of the Native American Graves Protection and Repatriation Act, to wit: a Jemez Hair Tie, said item being an inalienable sacred object needed by Jemez Pueblo Native American religious leaders for the practice of a traditional Native American religion, and the inalienable object having ongoing historical, traditional and cultural importance central to the Jemez Pueblo Native American culture.

In violation of 18 U.S.C. § 1170, 25 U.S.C. §3001(3)(C)and (D) and 25 U.S.C. § 3002(c).

COUNT V

From on or about August 14, 1999, to on or about September 2, 1999, in Santa Fe, Sant Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did knowingly and unlawfully, without permission, offer to sell and sell a Jemez Pueblo Hair Tie

which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*); Red-Tailed Hawk (*Buteo jamaicensis*).

In violation of 16 U.S.C. § 703 and 16 U.S.C. § 707(b)(2).

COUNT VI

From on or about August 14, 1999, to on or about September 2, 1999, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did knowingly and unlawfully, without permission, offer to sell and sell two (2) Navajo Dreaming Twins and five (5) Navajo prayer sticks which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*); Mountain Bluebird (*Sialia currocoides*); Red-Tail Hawk (*Buteo jamaicensis*).

In violation of 16 U.S.C. § 703 and 16 U.S.C. § 707(b)(2).

COUNT VII

From on or about August 14, 1999, to on or about September 17, 1999, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did knowingly and unlawfully, without permission, offer to sell two (2) Navajo singers' brushes which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*).

In violation of 16 U.S.C. § 703 and 16 U.S.C. § 707(b)(2).

COUNT VIII

On or about August 14, 1999, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did knowingly sell, purchase, and use for profit, a Native American cultural item and cultural patrimony obtained in violation of the Native American Graves Protection and Repatriation Act, to wit: an Acoma Pueblo wooden doll.

that item being an inalienable sacred object needed by the Acoma Pueblo and its religious leaders for the practice of its traditional Native American religion, and that inalienable object having ongoing historical, traditional and cultural importance central to the Acoma Pueblo Native American culture.

In violation of 18 U.S.C. § 1170, 25 U.S.C. §3001(3)(D)and (C), and 25 U.S.C. §3002(c).

COUNT IX

On or around August 14, 1999, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did knowingly and unlawfully, without permission, offer for sale a Kiowa Ghost Shield which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Common Nighthawk (*Chordeiles minor*) and Mallard (*Anas platyrhynchos*).

In violation of 16 U.S.C. §703, and 16 U.S.C. § 707(b)(2).

COUNT X

From on or about August 15, 1999, to on or about September 17, 1999, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did knowingly and unlawfully, without permission, offer for sale seven (7) Navajo prayer sticks which included feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*).

In violation of 16 U.S.C. § 703, and 16 U.S.C. §707(b)(2).

COUNT XI

From on or about August 14, 1999, to on or about September 2, 1999, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, did

knowingly sell, purchase, use for profit, and transport for sale and profit Native American cultural items and cultural patrimony obtained in violation of the Native American Graves Protection and Repatriation Act, to wit: five(5) Navajo bullroarers, said items being inalienable sacred objects needed by Navajo Native American religious leaders for the practice of traditional Native American religions, and inalienable objects having ongoing historical, traditional and cultural importance central to the Navajo Native American culture.

In violation of 18 U.S.C. § 1170, 25 U.S.C. §3001(3)(C) and (D), and 25 U.S.C. §3002(c).

COUNT XII

On or about January 19, 2000, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, knowingly and unlawfully, without permission, offered to sell a bundle of four (4) Jemez Pueblo hair ties which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*); Turkey Vulture (*Cathartes aura*); Red-Tailed Hawk (*Buteo jamaicensis*); and Northern Harrier (*Circus cyaneus*).

In violation of 16 U.S.C. § 703, and 16 U.S.C. § 707(b)(2).

COUNT XIII

On or about January 19, 2000, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, knowingly and unlawfully, without permission, offered to sell a Navajo hair tie which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*).

In violation of 16 U.S.C. § 703, and 16 U.S.C. § 707(b)(2).

COUNT XIV

On or about January 19, 2000, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, knowingly and unlawfully, without permission, offered to sell a Native American prayer stick which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*).

COUNT XV

On or about January 19, 2000, in Santa Fe, Santa Fe County, in State and District of New Mexico, the Defendant, **JOSHUA BAER**, knowingly and unlawfully, without permission, offered to sell a Navajo hair tie which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*).

COUNT XVI

On or about January 19, 2000, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, knowingly and unlawfully, without permission, offered to sell a Navajo hair tie which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*).

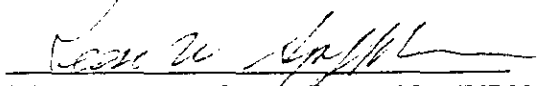
In violation of 16 U.S.C. § 703, and 16 U.S.C. § 707(b)(2).

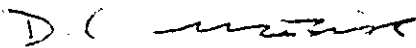
COUNT XVII

On or about January 19, 2000, in Santa Fe, Santa Fe County, in the State and District of New Mexico, the Defendant, **JOSHUA BAER**, knowingly and unlawfully, without permission, offered to sell a group of four Navajo prayer sticks which included the feathers of birds protected by the Migratory Bird Treaty Act, to wit, the feathers of the Golden Eagle (*Aquila chrysaetos*).

In violation of 16 U.S.C. § 703, and 16 U.S.C. § 707(b)(2).

A TRUE BILL:


FOREPERSON OF THE GRAND JURY



DAVID C. IGLESIAS
United States Attorney

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